

**EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

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Case No. 4:10-CV-144
Judge Schneider/Judge Mazzant

The Court, having made a *de novo* review of the objections raised by Defendants, as well as the contingent objections of Plaintiff, is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and the objections are without merit. Therefore, the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of this Court.

It is, therefore, **ORDERED** that the Amended Motion of Defendants Lexington Allen L.P. and Lexington Allen Manager LLC for Partial Summary Judgment (Dkt. #105) is **GRANTED** in part and **DENIED** in part. The claims for fraudulent inducement, promissory estoppel, and quantum meruit are dismissed. The claims for fraudulent omission/fraud in the performance, and Section 91.004 of the Texas Property Code remain.

It is SO ORDERED.

SIGNED this 28th day of April, 2011.

A handwritten signature in black ink, reading "Michael H. Schneider". The signature is written in a cursive, flowing style with a horizontal line underneath the name.

MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE